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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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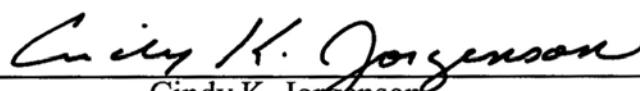
9 EMERY SUNDAY,) No. CV 08-075-TUC-CKJ (JJM)
10 Plaintiff,)
11 vs.) **ORDER**
12 MICHAEL J. ASTRUE, Commissioner)
of Social Security,)
13 Defendant.)
14

15 On February 9, 2009, Magistrate Jacqueline J. Marshall issued a Report and
16 Recommendation [Doc. #11] in which she recommended that Defendant's Motion to Dismiss
17 [Doc. #10] be granted. No objections have been filed within the time provided by 28 U.S.C.
18 § 636(b)(1).

19 Accordingly, after an independent review, IT IS ORDERED:

20 1. The Report and Recommendation [Doc. #11] is ADOPTED;
21 2. Defendant's Motion to Dismiss [Doc. #10] is GRANTED; and
22 3. The Clerk of the Court shall enter judgment in this matter, and close its file.

23 DATED this 31st day of March, 2009.

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26 Cindy K. Jorgenson
27 United States District Judge
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